



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009488
Applicant Name: Steve Sparling for Seattle Central Community College
Address of Proposal: 2310 South Lane Street

SUMMARY OF PROPOSED ACTION

Land Use Application to expand an existing institution (Seattle Central Community College, Wood Construction Center) and allow a new two-story 57,229 sq. ft. structure. Review includes demolition of seven existing structures (47,102 sq. ft.). Surface parking for 48 vehicles to be provided. City Council is processing a Land Use Code text amendment to allow the proposed height.*

*The text amendment, Council Bill #116529, was approved on 29 June 2009 by a 9-0 vote (Ordinance #123021). It took effect on 7 August 2009.

The following approvals are required:

Administrative Conditional Use - To expand an institution in a Lowrise 2 (L2) zone.
(Seattle Municipal Code Chapter 23.45.116 and 122)

SEPA - Environmental Determination - (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☒ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The subject property occupies the entire block between 23rd and 24th Avenues South and South King and Lane Streets within an L2 zone. There are numerous existing buildings, sheds, and temporary structures which house the current SCCC Wood Construction Center, including the existing main building on the south portion of the site. The site is on an arterial street, 23rd Avenue South. Zoning to the east is L1, and to the southeast, LDT. The site is immediately south across South King Street from the densifying NC3-65-zoned residential/commercial node at 23rd Avenue South and South Jackson Street. The nearby area to the west, south and east is characterized by mostly multifamily uses along 23rd as well as a mixture of multi-family and single family residences off the arterial.

There is substantial relief to the site, with a retaining wall along the 23rd Avenue South sidewalk and to some extent along South Lane Street. Topography is mostly flat along South King Street and 24th Avenue South. There is a copper beech tree towards the middle of the 23rd Avenue S frontage of the site, which has been cited as desirable context for Design Review projects that have been approved in the vicinity. Vehicular access is presently taken from South King Street and, to a limited degree, from 24th Avenue South.

Proposal Description

The proposed project includes demolishing and replacing seven obsolete buildings, including two storage sheds with a single 57,229 gross square foot structure. Only the existing core building at the northwest corner (the woodworking lab constructed in the early 1990s) will remain on the site. The project will be phased to allow the main building on the south end of the site to remain operational during construction of the new building. Thus, during construction parking will be provided off-street on properties owned by the Mt. Baker Baptist Church. Upon completion of the new building, programs will be relocated from the existing main building. The main building will then be demolished to create a new parking lot for vehicles and an outdoor work area for the carpentry lab.

Public Comment

There was one comment letter, indicating that parking is already congested in the vicinity and that the project could add to the congestion.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS **(SMC 23.45.116)**

Institutions are permitted outright in multi-family zones per SMC 23.45.090 if all development standards are met. If the institution does not meet development standards, as is the case here, then approval of an administrative conditional use is required per SMC 23.45.122. The proposed institution does not meet several standards modulation and parking.

A. Only those uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The master use permit process shall be used to authorize these uses.

The Land Use Code permits institutional expansion outright if the proposal meets all development standards. (SMC 23.45.004A7) Because the proposed institutional expansion does not meet all development standards (e.g. modulation, parking) it is allowed through the Administrative Conditional Use approval process.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.

This proposal is subject to development standards SMC 23.45.002 through 23.45.018.

C. The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

This decision shall be based on whether the proposed use meets the development criteria and conditional use criteria as described in SMC 23.45.122 A through D. SCCC has operated the Wood Construction Center for many years at the subject location, which contributes to evaluation of the criteria and mitigation for impacts to property in the vicinity.

D. In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

The criteria described in SMC 23.45.122 A through D are used to evaluate the proposal and condition, if necessary, to protect other properties and the public interest.

E. The Director shall issue written findings of fact and conclusions to support the Director's decision.

Findings and conclusions are enumerated in the following analysis.

F. Any authorized conditional use which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

- 1. A permit to change the use of the property has been issued and the new use has been established; or*
- 2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.*

The use remains the same at this site and has not been discontinued.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.45.122)

The Seattle Land Use Code (SMC 23.45.122) provides that institutions such as schools may be permitted as conditional uses in Lowrise zones. Sections 23.45.122 A through D set forth criteria to be used to evaluate and/or condition the proposal. The applicable criteria are discussed below.

SMC 23.45.122 Institutions other than public schools not meeting development standards.

Institutions other than public schools which do not meet development standards established in Section 23.45.090 may be permitted in multifamily zones as administrative conditional uses. The following criteria shall be used to evaluate and/or condition the proposals:

Institutions meeting all development standards are allowed in the Lowrise zones. This proposal does not meet all development standards and so must be reviewed under SMC 23.45.122. (The proposed width of the street-facing facades of the buildings is wider than code allowed.) The Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary.

A. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.

The building comports with height limits, but is longer and wider than normally permitted in the L2 zone. However, DPD has considerable flexibility to modify standards to meet the needs of the institution provided that the departures from standards do not unduly impact the neighborhood. In this case, the limits designed for residential buildings would prevent development of the interior space required to meet the program's needs. The lengthy building walls have been mitigated by substantial fenestration and by dramatic sawtooth rooflines. Landscaping has been utilized where possible to provide additional mitigation.

B. Dispersion Criteria. An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.

Bethany Church of Christ is located within 300 feet from the subject site, at the SW corner of the intersection of S. King Street and 25th Avenue S, and Washington Middle School is located within 200 feet of the subject site to the west. Yet neither of these institutions substantially impact parking nor traffic in the project vicinity. The existing use is not expanding substantially in terms of population. Hence, the proposal meets the dispersion criteria.

C. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards or the location of refuse storage areas, or parking development standards, design modification and fixing of hours for use of areas.

The application includes a noise report addressing the proposed activities, which recommended installation of various barriers and silencers. That report has been evaluated by DPD's noise experts, who determined that the proposed mitigation would be adequate, but advised that the proposed mitigation be shown on plans. Accordingly, approval is conditioned upon securing approval of the DPD noise experts of the plan set representation of all recommended noise mitigation.

D. Transportation Plan.

1. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or required to provide twenty (20) or more parking spaces.

2. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Consideration of the following elements and other similar factors may be required:

a. Traffic. Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the use; and mitigating measures to be taken by the applicant;

A traffic and parking analysis was submitted by Fehr and Peers/Miral. The analysis is on file in the public file for review. The report was analyzed by DPD's transportation expert, who concluded that the impacts were properly identified and adequately mitigated. According to the report, the Center would generate approximately 162 net new "in" or "out" vehicle trips per day, with a net of 21 new a.m. peak hour trips, and 17 p.m. peak hour trips. Given the traffic volumes on 23rd, these new trips would be negligible.

b. Parking Area. Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting; sources of possible vibration; prevailing direction of exhaust fumes; location of driveway and curb cuts; accessibility and convenience of the parking area; and mitigating measures to be taken by the applicant, such as parking space preferences for carpool or vanpool vehicles and provisions for bicycle racks;

The parking layout appears to be appropriate to the site constraints. There would clearly be frequent exiting from the site after dark during the academic year, which would intermittently flood the properties across the street to the south with headlights. However, there is no practical alternative. The parking layout minimizes such impacts by facing all parking toward the east, west, and north; these either are inutile approaches for access, or would simply direct the headlight impacts to other residential properties. Moreover, there appears to be dense vegetation across the street relatively well-shielding the houses over there; and egress from the SCCC site

would sight almost directly down a vehicular access easement serving the townhouse development along 23rd at South Lane Street. In short, headlight impacts would like not likely be unduly great, and do not rise to a level warranting mitigation.

c. Parking Overflow. Number of vehicles expected to park in the street; percentage of on-street parking supply to be used by the proposed use; opportunities available to share existing parking areas; trends in local area development and mitigating measures to be taken by the applicant;

The zoning reviewer has determined that the Land Use Code parking requirements will be satisfied. Parking impacts will likely be experienced, though in the judgment of DPD's transportation expert not to the degree warranting mitigation. Overall, there will be an increase of approximately 56 students and possibility a few additional faculty and staff; a worst case assumption is for an increase of about 60 users overall. That represents a slight-less-than-50% increase of users. 10 of these would likely occupy the 10 additional parking spaces proposed to be provided on site, leaving at worst spillover demand for approximately 50 parking spaces. There are 242 parking spaces available in the vicinity, and the total spillover demand would bring their utilization up to approximately 80%. It is highly likely that the spillover would be noticed in the neighborhood; however, the demand would not quite rise to a level that mitigation is typically required.

In short, the traffic impacts of the proposal would clearly be negligible. The parking demand would adversely impact nearby on-street parking availability, but not quite to the degree that DPD requires mitigation.

d. Safety. Number of driveways which cross pedestrian walkways; location of passenger loading areas;

The new driveway would be located and configured to minimize risk to pedestrians.

e. Availability of Mass Transportation. Bus route location and frequency of service; private transportation programs, including carpools and vanpools, to be provided by the applicant.

23rd is a well-served Metro bus route. The nature of the institution does not lend itself to any requirement to require the above mitigation measures, nor are impacts such to warrant it.

3. The Director may condition a permit to mitigate potential traffic and parking problems. Measures which may be used by the Director for this purpose include, but are not limited to, the following:

a. Implementing the institution's transportation plan to encourage use of public or private mass transit;

b. Increasing on-site parking or loading space requirements to reduce overflow of vehicles into the on-street parking supply;

c. Changing access and location of parking;

d. Decreasing on-site parking or loading space requirements, if the applicant can demonstrate that less than the required amount of parking is necessary due to the specific features of the institution or the activities and programs it offers. In such cases, the applicant shall enter into an agreement with the Director, specifying the amount of parking required and linking the parking reduction to the features of the institution which justify the reduction. Such parking reductions shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.

It is likely that the proposed institution will demand a great proportion of the existing on-street parking – indeed, near to capacity. Yet the programs in such a new facility are unlikely to remain static in their draw: One can easily imagine substantial growth in users over the years, pushing demand beyond capacity. Yet, given the institutions present good faith projections, there is no sound basis for DPD to require future mitigation.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **APPROVED WITH CONDITIONS** as indicated at the end of this document.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the revised and annotated environmental checklist and supplemental information in the project file. This information, along with the experience of the lead agency in similar situations, form the basis for this analysis and decision. No long-term impacts are anticipated from this proposal. Short-term impacts are discussed below.

The SEPA Overview Policy (SMC 25.05.665.D) states *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Storm Water, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulate during construction; potential soil erosion during grading, excavation and general site work; increased run-off; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts are adverse.

Air

Puget Sound Clean Air Agency (PSCAA), Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. However, no permit process exists that ensures that PSCAA has been notified of the proposed building demolition and that asbestos has been removed from the site. A condition shall be added requiring the applicant to submit to DPD a copy of the PSCAA Notice of Intent to Demolish prior to issuance of the DPD demolition permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F.

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this specific project. The other types of emissions are considered under the use-related impacts discussed later in this document. No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

Noise

Construction noise may be adverse enough to warrant mitigation. The proximity of residential uses is such that the limitations of the Noise Ordinance would be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC Section 25.05.675.B, the hours of construction, including excavation, foundation installation and framing activity shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Some extra-ordinary activities may require work outside these hours, such as occasional Sunday and evening work. If such work is planned, a request should be submitted in writing along with a proposed construction noise mitigation plan to the DPD Planner (Paul Janos paul.janos@seattle.gov) and should be requested prior to each occurrence. Even if additional construction work hours are approved, work at all hours must comply with the Seattle Noise Ordinance.

Construction Phase Traffic Impacts

SCCC's transportation consultant has determined that 38 parking spaces would be needed during the construction phase to serve college staff and students, and that additional 50 parking spaces will be needed to serve construction workers. Most of these are proposed to spill over to streets within 800 feet of the site. SCCC proposes to provide 40 parking spaces on properties owned by the Mt Baker Baptist Church at 25th Avenue South and South Jackson Street and 25th and South King Street. These spaces need to be provided through the entire duration of construction, including during the phase when programs operate out of the new Center, but new parking on the site of the temporary Center (the south building) has not been finalized. Approval is conditioned upon submittal of documentation, prior to issuance of the Master Use Permit, that areas needed to serve staff, students, and construction worker demands will be provided off-street until construction of the permanent on-site parking has been completed per plan.

Long Term Impacts

Greenhouse Gas Emissions and other Impacts

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

Parking

Because SCCC needs to operate its programs in the existing main building at the south end of its site until completion of the new Wood Construction Center, permanent parking will not be available on site until eventual demolition of that building and construction of the permanent parking spaces in its place. To ensure completion of the final parking, the project has been conditioned as follows: “No permanent certificate of occupancy shall be issued until the existing main building is demolished and the permanent on-site parking lot is finalized per plan.”

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

Prior to the Issuance of the MUP

1. The owner(s) and/or responsible party(s) shall provide documentation, prior to issuance of the Master Use Permit that areas needed to serve staff, students, and construction worker demands will be provided off-street until construction of the on-site parking has been completed per plan.

Prior to the Issuance of any Demolition Permit

2. The owner(s) and/or responsible party(s) shall provide documentation to the DPD Planner that Puget Sound Clear Air Authority has received all information necessary to assess and mitigate likely air impacts.

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

3. Pursuant to SEPA policies in SMC Section 25.05.675.B, the hours of construction, including excavation, foundation installation and framing activity shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Some extra-ordinary activities may require work outside these hours, such as occasional Sunday and evening work. If such work is planned, a request should be submitted in writing along with a proposed construction noise mitigation plan to the DPD Planner (Paul Janos; paul.janos@seattle.gov) and should be requested prior to each occurrence. Even if additional construction work hours are approved, work at all hours must comply with the Seattle Noise Ordinance.
4. Forty parking spaces shall be provided at the Mt. Baker Baptist Church sites.

Prior to the Issuance of and Temporary Certificate of Occupancy

5. The acoustical expert shall document to DPD that the recommended mitigation has been constructed.

Prior to the Issuance of any Permanent Certificate of Occupancy

6. The existing main building shall be demolished and permanent on-site parking completed per plan.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of the MUP

7. The owner(s) and/or responsible parties shall secure approval from DPD noise experts of the plan set representation of all recommended noise mitigation.

Signature: (signature on file)
Paul Janos, Land Use Planner
Department of Planning and Development

Date: August 20, 2009